

HOUSE BILL No. 1743

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-4-12.

Synopsis: Billboard restrictions. Prohibits tobacco billboards adjacent to streets, roads, and highways. Imposes penalties.

Effective: July 1, 1999.

Kruzan, Murphy

January 26, 1999, read first time and referred to Committee on Commerce and Economic Development.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1743

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulations; consumer sales and credit.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 24-4-12 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]:

4 **Chapter 12. Tobacco billboards**

5 **Sec. 1. The general assembly finds the following:**

6 **(1) Outdoor advertising is:**

7 **(A) a legitimate commercial use of private property;**

8 **(B) an integral part of the marketing function; and**

9 **(C) an established segment of the economy of this state.**

10 **(2) It is appropriate to regulate and control:**

11 **(A) outdoor advertising; and**

12 **(B) outdoor advertising as it pertains to tobacco;**

13 **adjacent to roads, streets and highways within the state to**
14 **improve and enhance scenic beauty consistent with**
15 **23 U.S.C. 131.**

16 **(3) It is appropriate to protect minors from exposure to**
17 **advertising that encourages them to illegally possess tobacco.**



1 Sec. 2. (a) As used in this chapter, "billboard" means a sign that
 2 is separate from a premises and erected for the purpose of
 3 advertising a product, event, person, or subject not related to the
 4 property upon which the sign is located.

5 (b) The term does not include an off premises directional sign.

6 Sec. 3. As used in this chapter, "freeway" means a divided
 7 highway of not less than two (2) lanes in each direction to which
 8 owners or occupants of abutting property or the public do not have
 9 a right of ingress or egress to, from, or across the highway, except
 10 at points determined by or provided by the authority responsible
 11 for the highway.

12 Sec. 4. As used in this chapter, "interstate highway" means a
 13 highway officially designated as a part of the national system of
 14 interstate and defense highways by the federal department of
 15 transportation and approved by the appropriate authority of the
 16 federal government.

17 Sec. 5. As used in this chapter, "tobacco product" refers to a
 18 tobacco product sold to the general public and includes, but is not
 19 limited to, cigarettes, cigars, tobacco snuff, and chewing tobacco.

20 Sec. 6. Notwithstanding any other law, after December 31, 1999,
 21 a billboard may not advertise the purchase or consumption of
 22 tobacco products if the billboard is adjacent to:

- 23 (1) an interstate highway;
- 24 (2) a freeway;
- 25 (3) a state road;
- 26 (4) a county road;
- 27 (5) a municipal street; or
- 28 (6) a local road.

29 Sec. 7. (a) A person who violates this chapter is liable to the state
 30 for a penalty of not less than five thousand dollars (\$5,000) and not
 31 more than ten thousand dollars (\$10,000) for each day of violation,
 32 to be recovered in an action by the state, in the circuit or superior
 33 court of the county in which the billboard is located.

34 (b) A penalty recovered under this chapter must be deposited in
 35 the common school fund.

36 (c) The Indiana department of transportation shall adopt rules
 37 under IC 4-22-2 to implement and administer this chapter.

